

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v David Alan Walters**
Docket No. **289444**
L.C. No. **92-046407-FC**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction. MCR 6.502(G)(1) bars appellant from appealing the January 2, 2008 order denying a successive motion for relief from judgment. The exceptions provided by MCR 6.502(G)(2) are inapplicable. In particular, the 2001 United States District Court decision relied on by appellant cannot constitute a retroactive change in law because lower federal court decisions are not binding on Michigan courts. *Greater Bible Way Temple v City of Jackson*, 478 Mich 373, 396; 733 NW2d 734 (2007).

The motion to waive fees is GRANTED for this case only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 29 2009

Date

Sandra Schultz Mengel
Chief Clerk